

amg
ALLRED, MAROKO & GOLDBERG
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

6300 WILSHIRE BOULEVARD
SUITE 1500
LOS ANGELES, CALIFORNIA 90048
(323) 653-6530
FAX (323) 653-1660
www.amglaw.com

NATHAN GOLDBERG*
MICHAEL MAROKO*
GLORIA R. ALLRED*
JOHN S. WEST
DOLORES Y. LEAL
R. TOMÁS OLMOS
RENEE MOCHKATEL
MARGERY N. SOMERS
MARÍA G. DÍAZ
RAMIT MIZRAHI

*A PROFESSIONAL CORPORATION

June 24, 2010

Via Personal Messenger

PERSONAL & CONFIDENTIAL

Mark Hurd, CEO
HEWLETT PACKARD COMPANY
3000 Hanover Street
Palo Alto, CA 94304

Re: Jodie Fisher v. Hewlett Packard/Mark Hurd

Dear Mr. Hurd:

Please be advised that we represent Ms. Jodie Fisher regarding her claims under Cal. Govt. Code §12940 (j)(1) and the Unruh Act §51.9 against Hewlett Packard ("HP") and you, Mr. Mark Hurd, as an individual. Ms. Fisher has retained our firm to attempt resolution of her claims confidentially prelitigation as it is our policy to do so at this juncture before the nature of protracted litigation sets in.

After careful review of the facts and circumstances regarding her claims, we believe Ms. Fisher has a significant case for sexual harassment. In that this matter is currently at the prelitigation stage and neither formal discovery nor further investigation has occurred, we hereby reserve the right to supplement these facts as formal investigation may dictate. Further, this communication is subject to California Evidence Code Sec. 1152 and therefore is not admissible for any reason.

By way of background, in August, 2007 Ms. Fisher was contacted by her publicist, Nadine Jolson of Jolson Creative. She had been contacted regarding Ms. Fisher's availability to host a series of executive summit events for HP. You had seen Ms. Fisher on the NBC television show "Age of Love" that she had appeared on in May/June of 2007 and were quite taken with her. You hand-picked her to technically hostess various HP events, but more accurately, to be with you and accompany you when you were out of town at numerous various HP events.

Looking at what ensued over the next two (2) years, it is clear you had designs to make her your lover from the onset using your status and authority as CEO of HP and HP monies expecting her to be with you. It is appalling that you would use HP revenues for the purpose of

CONFIDENTIAL
TO BE OPENED BY
ADDRESSEE ONLY

Mark Hurd, CEO
HEWLETT PACKARD COMPANY
June 24, 2010
Page 2

procuring female companionship and romance under the guise of HP business.

After Ms. Jolson was contacted, a meeting was set up for Ms. Fisher to meet with Caprice Fimbres and you at the Miramar Hotel in Santa Monica, CA in late August 2007. Ms. Fisher met with Ms. Fimbres very briefly, approximately five minutes, who then directed her to meet with you to talk with you. You both had drinks in the hotel lobby for about 45 minutes. Ms. Fisher thought it odd that you talked of mainly personal things - like the fact that you both went to Southwest Conference schools - you went to Baylor, she to Texas Tech in the early 1980's. She was somewhat baffled as to why you wanted to meet with her and why you flew down from Palo Alto to do so but was of course pleased to be considered for whatever job you had in mind.

In September 2007 Ms. Fisher's publicist called her regarding another meeting. You wanted to meet with Ms. Fisher for a second interview in Denver, Colorado. Again, Ms. Fimbres played intermediary and you all met at the Brown Hotel. Ms. Fisher spoke to Ms. Fimbres briefly and then was shuttled over to you for drinks and dinner. Ms. Fisher knew she was being considered for a job but this time the meeting felt more like a date.

Again, you talked about college days and your personal lives. You told Ms. Fisher that you were married with two daughters [REDACTED]. You asked Ms. Fisher if there was anything that she needed to disclose that, if it were to come to light while Ms. Fisher was working for HP, would cause a problem. Ms. Fisher disclosed that she had posed for Playboy Magazine while at Texas Tech. Ms. Fisher also told you that she had two DUI's in her early 20's and that she was now clean and sober and had been for 20 years.

You later told Ms. Fisher that you were very impressed with her candor on that particular evening. You were drinking at this dinner excessively and seemed to get more friendly and personal the more you drank. You were always looking around decidedly aware of the fact that someone might recognize you because you are so well known. You were obviously trying to impress Ms. Fisher. Ms. Fisher left this dinner feeling good about her chances for getting the job but again was uncomfortable with some of the conversation and the date-like feel of the evening.

In October 2007, Ms. Fisher was offered her first contract with HP to host a series of six executive summit events and flew to Atlanta for the first event. Ms. Fisher was paid \$30,000 for these six events upfront. She was really just observing this first event so that she could see what was involved. Ms. Fimbres, acting as intermediary as usual, directed Ms. Fisher to join you for dinner after the event.

You went to dinner across the street from the Ritz Carlton where you were staying. You talked briefly about the event and how it went. You told Ms. Fisher that you were flying to China to meet Madame Wu Yi, the Chinese Vice-Premier, in a couple of days. As you were walking back to the Ritz, you invited Ms. Fisher to come up to your room. You said there were some documents that you wanted to show her pertaining to Madame Wu Yi.

She did not want to go. Ms. Fisher first went to her room and called her sponsor in AA, Diane Rogers. Ms. Fisher reported to her what the situation was and asked for her advice. She agreed that Ms. Fisher “had” to go but that Ms. Fisher should remember who she was and that she did not ever have to do anything that compromised her integrity. So, shored up by Ms. Roger’s supportive words, Ms. Fisher went to your suite. You told her that they needed to be quiet because you had body guards in a room right next door.

Ms. Fisher was scared. She was a nervous wreck but attempted to appear relaxed. She sat down on one of two love seats in the sitting room. She was worried when you came over and sat directly next to her and put your arm on the back of the love seat. As you did so, your hand brushed across her breast. The first time Ms. Fisher thought it was a mistake. It happened a second time and Ms. Fisher said “you do know that you are touching my breast, right?” You said “oh, sorry, sorry” and then laughed it off.

You both chatted for a bit and then you looked at Ms. Fisher and said, “So, you’ll stay the night, right? You’ll stay?” Ms. Fisher was horrified as everything she feared was coming to pass. Ms. Fisher said “Absolutely not. I barely know you and you are my boss.” You told her that she worked for Ms. Fimbres, not you, that she should not worry about that. You tried to persuade her to spend the night with you. This went on painfully for another hour.

Ms. Fisher finally gathered her courage and said that she needed to go. You told her that no one had ever rejected you before and were clearly miffed. Ms. Fisher tried to be low key about the whole situation but it was difficult. Ms. Fisher certainly didn’t want to lose her job but she was deeply upset. She felt deceived and confused at the same time.

As she left your suite, you asked Ms. Fisher to at least give you a hug. Then you said she needed to be very careful leaving your room so the body guards wouldn’t hear. This was the beginning of an uncomfortable dance that went on for almost two years. At times you would behave professionally seemingly “getting” that she was not going to have sex with you. At other times, not, and you would relentlessly attempt to cajole her into having sex with you.

The next day, Ms. Fimbres “invited” Ms. Fisher to have dinner with you again. Ms. Fisher did not feel like she could say no. Ms. Fisher met you for dinner and you admitted that

you "didn't handle that right" the night prior. Ms. Fisher knew that if she shamed you or made you feel worse, she would jeopardize her job. She kept rationalizing to herself, "I can handle this. I can just be polite". You had been telling her about many different women that were crazy about you...including Sheryl Crow. You were indicating that she was the lucky one... that you found her desirable and wanted to spend your extremely valuable time with her. However, Ms. Fisher did not feel lucky at all - she felt manipulated.

Ms. Fisher flew home to Los Angeles, First Class, as this was part of her contract with HP. She felt tired, irritated and depressed, sad and mad with the growing unbending realization that her great new job had some major strings attached. Ms. Fisher had survived a very high stress situation but at what cost? She dreaded the next encounter. She told her mother about the entire episode who was absolutely flabbergasted that you, CEO of one of the largest corporations in the world, were manipulating her daughter, expecting sex in exchange for work. She was outraged.

In December 2007 an event was added to her contract. Ms. Fisher headed to St. Louis. It was more of the same, except this time she had been booked in a suite instead of a room at the Ritz. Ms. Fimbres again directed Ms. Fisher to have dinner with you. You went to Morton's steakhouse where you expressed your frustration that you were doing "all the work" in this relationship.

Ms. Fisher told you that she was definitely not interested in you romantically. After dinner that night, you walked Ms. Fisher to her room and came into the sitting area. She was starting to panic. You abruptly walked up to her, put your arms around her, looked her in the eye and looked like you were going to kiss her. Ms. Fisher did not want to kiss you and was incredibly uncomfortable making efforts to dissuade the situation. You quickly kissed Ms. Fisher on the lips and she reacted by just squirming away quickly. You directed her to meet for coffee in the morning at 7 AM. The next morning you walked over to Starbucks. You both sat at Starbucks and talked for about an hour. [REDACTED]

You came to her room the next morning and wanted to say good bye to Ms. Fisher before you left. It was very early and Ms. Fisher was in her robe. You came in and hugged her good bye. Ms. Fisher felt horribly uncomfortable, trying to keep her distance and quickly disengaged your continuing embrace. It was as if you thought there was a relationship that was romantic in nature. She continued to ponder day and night out how she could turn this whole thing around and still keep her job. She didn't know what to do.

In January 2008, Ms. Fisher was next scheduled for the Toronto event. As Ms. Fisher

was walking down the ramp to board her plane, she got a call from Ms. Fimbres saying, "Don't come. They are cancelling the event. Don't get on the plane." Ms. Fisher still does not know what happened but knows the event was held in Toronto and was not really cancelled. She believes that you may have had another woman there that would sleep with you. Later she was told by you at the Peninsula Hotel, in the pool area, that you regularly sleep with one woman in New York and that you sleep with another woman in San Francisco. At one point the New York woman wanted to come to San Francisco. You laughed while explaining that this would never work out to Ms. Fisher. It may have been that the New York woman was flying up to Toronto unexpectedly and that is why you had to cancel Ms. Fisher. It is clear that you had various women in various places utilizing HP monies, expensing hotels, airfare and dinners while using your status and clear ability to enjoy female companionship and intimacy.

In February 2008, Ms. Fisher was invited to attend an event in Rancho Bernardo, CA. Once again, Ms. Fimbres directed her to join you for dinner at the Rancho Bernardo Inn where you were staying. Ms. Fisher was scared that you were going to try to come back to her room. You did. And once again, Ms. Fisher made up excuses so that you couldn't stay. On these occasions, you would then call her from your hotel room and want to chat about different movies that you liked and different sports teams.

At this point, her publicist was trying to negotiate more money due to the fact that she was being asked...on her own time...to attend these dinners, etc. with you which were clearly not HP "events". Her publicist felt she should receive compensation and was aware of the situation and of your advances. You were outraged and felt insulted by her and by Ms. Fisher. Ms. Fisher tried to explain that her publicist was only looking out for her interests and doing only what she felt was right and proper. Ms. Fisher had to "fire" her publicist if she wanted to keep her job. She did so, but thereafter felt completely alone.

In March, 2008 in Madrid, Spain, you and Ms. Fisher stayed at the Ritz. Ms. Fimbres asked Ms. Fisher if she was available for dinner with you. Ms. Fimbres always set up the dinners and paid in advance with her credit card. The reservations would always be under her name. You went in a town car from the hotel to Combarro Restaurant in Madrid. Anytime Ms. Fisher was in a town car with you when there was a driver present, you would always "shush" Ms. Fisher as if to say, "don't say anything personal."

The next day, Ms. Fimbres called Ms. Fisher and directed her to immediately meet you in the hotel lobby. You wanted to walk around the city. Again, Ms. Fisher felt she could not say no. You stopped at an ATM and showed her that your checking account balance was over a million dollars to impress her.

As you were leaving Madrid, you called her hotel room and talked about a deal you were working on to purchase EDS in Dallas, Texas. You told Ms. Fisher that you were meeting with the head of EDS in Dallas. You described the head of EDS as a "big guy", and as someone who was very impressed with himself, very cocky. You told Ms. Fisher the deal was likely going to go through and would be one of the biggest purchases in U.S. history.

Ms. Fisher told you that she knew of EDS from living in Dallas in that her mother had met Ross Perot, the founder of EDS. Ms. Fisher told her mother and her mother was appalled that you were discussing potential acquisitions. You told Ms. Fisher that she shouldn't disclose anything about the deal to anyone as it would be considered insider trading if stock was purchased by Ms. Fisher or anyone associated with her. Later you called her and asked if you could come to her room and give her a hug before you left. Ms. Fisher told you no, that she was not dressed, making an excuse as she was constantly making excuses so as to not be alone with you in private.

This continued for the next year and a half. Many events were added to her original contract - many extra cities including Philadelphia, Boston for a second time, Atlanta for a second time, Boise, Tokyo, Minneapolis and others. She continually had to put you off, make excuses, scurry away or simply leave. Oftentimes you would be irritated and angry and on a few occasions, you were so angry when she put you off, she expected to get fired. However you would then engage her again, try again and the situation and your annoyance would dissipate. However by 2009 it was clear you were tolerating her excuses less and less.



By July 2009 the practice was that anytime you were in Los Angeles, you would ask to meet with Ms. Fisher by way of a phone call from Ms. Fimbres. You met at Houston's in Santa Monica, The Four Season's in Beverly Hills, The Peninsula Hotel in Beverly Hills, The Beverly Wilshire. Once, at the Four Seasons, you suddenly and abruptly asked her to go away with you as if you were testing her. You said you wanted to "get her away from here". She made the excuse that because she was a single mom and needed to care for her son when she was not travelling for business.


You later said in an irritated and dejected manner that you were feeling rejected because she would not go away with you. You offered to take care of her and constantly asked her if there was anything she needed. You once explained to her that you give endowments personally of about \$30,000 a year to athletes that you feel are worthy, one of whom is a tennis player at Baylor. Ms. Fisher declined any offer of such a gift of money from you as she felt this would be inappropriate and would make her feel indebted to you in a personal way.

One of your last dinners was at Craft in Century City where you confessed that you felt like you could spend the rest of your life with her. You said you would have to see how the

chemistry in bed was but that that would not be a problem because "you try hard".

Ms. Fisher had been telling you all this time and told you again affirmatively that she was not interested in dating a married man.



 You then offered Ms. Fisher more events in New Mexico, Houston and Miami but again, Ms. Fisher did not sleep with you and, with your obvious growing irritation with her put-offs these opportunities never came to pass. At one point you offered her a \$100,000 job but then reneged realizing you would not be able to see her in the manner you wished.

In October 2009, you met Ms. Fisher one final time in Boise, Idaho. Ms. Fimbres directed Ms. Fisher to join you for dinner. You invited Ms. Fisher to your room to watch a sporting event. Your demeanor was different this time. You appeared more decisive and impulsive. Suddenly you stood up, grabbed and kissed Ms. Fisher. Ms. Fisher was scared. She told you she was not feeling well and wriggled free hurriedly escaping to her room. You were angry. It was becoming clear. She knew that if she did not have sex with you soon, her job was over which is exactly what occurred. All your advances were unwelcome, awkward and were never reciprocated in any way. That was the last time she had contact with you. No new events or contracts were ever given to Ms. Fisher thereafter.

Ms. Fisher has been very damaged. You treated her as a sex object, hand-picking her from a TV show, expecting sexual favors in return for giving her work. This is the most egregious type of sexual harassment and this situation is exactly what our laws are borne out of. Women should not have to "put out" in order to keep their jobs. She refused your quid pro quo attempts at sex and has now been discarded by you and HP.

Ms. Fisher has had to relocate to New Jersey, where her parents live, which has obviously changed her life and independence completely. She is emotionally debilitated and is spiraling downwards. She misses Los Angeles terribly and feels that she has a dark cloud over her. It is hard for her to move on and emotionally deal with what has happened to her. She feels violated, used and disregarded all at the same time.

Mark Hurd, CEO
HEWLETT PACKARD COMPANY
June 24, 2010
Page 8

We are prepared to move forward and seek all available legal remedies on Ms. Fisher's behalf. To use her as a subterfuge for your personal romantic desires is unconscionable. Nevertheless, we have asked Ms. Fisher to allow us to attempt an out-of-court settlement before the protracted nature and emotions of litigation set. If you are interested in resolving this matter and furthering discussions in this regard, please contact Margery N. Somers, Esq. of our offices who will handle this matter preliminarily. In that statute deadlines are looming we expect you or your representative will contact Ms. Somers in the next week. If we do not hear from anyone within that timeframe, we will assume you are not interested in resolving this matter confidentially prelitigation and we will move forward on Ms. Fisher's behalf.

We hereby reserve Ms. Fisher's rights at law and in equity.

Very truly yours,

ALLRED, MAROKO & GOLDBERG


GLORIA ALLRED

GA:js